VACAVILLE UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 23, 2022-23

RESOLUTION TO AMEND A CONSTRUCTION CONTRACT TO ADDRESS DISCOVERED CONDITIONS AT VACAVILLE HIGH SCHOOL MUSIC CLASSROOMS

WHEREAS, on March 9, 2023, the Governing Board ("Board") of the Vacaville Unified School District ("District") awarded a contract to American River Construction ("ARC") for the Improvements Project at the Vacaville High School, 100 W. Monte Vista Avenue, Vacaville, CA 95688 ("Project"); and

WHEREAS, the Project has incurred $307,072.33 cost increases noted in Change Orders 3 through 8 due to discovered conditions while improving the Music Classrooms; the need to perform Project work to allow re-use of the Classrooms; and other impacts out of the District's control, and the District cannot now amend the contract with ARC without the formality of securing bids for any additional work; and

WHEREAS, on or about August 29, 2022, ARC discovered unforeseen dry-rot conditions and unforeseen termite damage that required replacement of existing materials; and

WHEREAS, under Public Contract Code section 7104, the District is mandated by law to pay the increase in cost incurred by ARC as a result of the differing conditions discovered after contract award; and

WHEREAS, the District requires the use of the Theater, which is temporarily housing Music Classrooms; and

WHEREAS, the District has insufficient time to re-bid the discovered work without impact to the School's curriculum.

NOW, THEREFORE, BE IT RESOLVED, the Board does hereby resolve as follows:

Section 1. The foregoing recitals are hereby adopted as true and correct.

Section 2. The Board hereby finds that the price offered by ARC for the work is fair and reasonable, and that obtaining competitive bids would be impractical.

Section 3. The Board hereby finds that it is necessary and appropriate to approve Change Order 8 with ARC to continue improvements to the Music Classrooms to mitigate discovered conditions and to increase the contract amount by Two Hundred and Fifty-Nine Thousand, One Hundred Eighty-Nine Dollars and Sixty-Six Cents ($259,189.66) in Final Change Order 8 to ensure that the Classrooms can be timely completed and ensure availability of the Project as soon as possible.

Section 4. The Board hereby finds that the price offered by ARC for the work is fair and reasonable, and that obtaining further competitive bids would be unavailing and would not produce an advantage, and that further advertising for competitive bids is undesirable and impractical.

Section 5. The Assistant Superintendent of Business Services or their designee is directed to execute a contract change order to effectuate this Resolution within ten (10) days of this action.

PASSED AND ADOPTED by the Vacaville Unified School District, Vacaville, Solano County, California, this 9th day of March 2023 by the following votes:

AYES: Nancy Dunn, John Jansen, Michael Kitzes, Daniel Santellan, Santiago Serrato, Kelly Welsh

ABSENT:

ABSTAIN:

SECRETARY'S CERTIFICATE

I, Jane Shamieh, hereby certify that the foregoing is a full, true, and correct excerpt from the journal of the Governing Board of the Vacaville Unified School District pertaining to the adoption of the foregoing resolution at a regular meeting held March 9, 2023, at 6:30 PM.

Jane Shamieh, Secretary